

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 8:13 CR 105
Plaintiff,)
)
-vs-) MOTION FOR MODIFICATION OF
) CONDITIONS OF RELEASE AND
TIMOTHY DEFOGGI,) REQUEST FOR HEARING DATE
)
)
Defendant)
)

COMES NOW Timothy DeFoggi, the Defendant herein, and moves the Court for an order allowing him to be released from detention, and he would show the Court that there are numerous terms and conditions that will assure the Court that he will be neither a flight risk nor a danger to the community.

The defendant proposes the following terms and conditions for his release:

1. The Defendant will be subject to house arrest plus GPS and electronic monitoring.
2. That he will employ a retired Maryland or Washington D.C. law enforcement officer to serve as his third-party custodian.
3. That this third-party custodian will be paid by the Defendant, check up on him daily, and be a bonded professional.
4. That he will report weekly to his local pretrial release officer and file written reports with that office on a regular basis.
5. That he will not have a computer in his home and forego access to one unless he has the specific permission from his pretrial service officer and this Court.
6. That he will check -in weekly by telephone with his Omaha pretrial service officer in addition to his local pretrial service officer.

7. That he contact his attorney by telephone every Monday of each week that his case is pending, and send proof of such to his pretrial officer.
8. That he will pledge and give a security interest to the Court in his single-family dwelling located at 6843 Wrangell Loop NE , Rio Rancho, Sandoval County, New Mexico. (legal description and photos are attached and described in attachment 'A')
9. That he will have no contact with any of the persons, places or websites mentioned in his Indictment or referenced in his discovery materials.
10. That he will book and pay for his airfare to Omaha at least six (6) weeks before any scheduled hearing and show evidence of ticket and travel arrangements to his pretrial service officer to guarantee all future Court appearances.

The Defendant requests an evidentiary hearing on this Motion so he can produce testimony, introduce exhibits and testify himself in support of this Motion.

Furthermore, the Defendant wishes to testify, produce evidence, exhibits and subpoena materials which will rebut arguments made by the Government at his initial detention hearing, and will disclose how the Government did not present evidence they had in their possession which contradicted their presentation in Court.

WHEREFORE, the Defendant prays the Court for an evidentiary hearing and thereafter for his pretrial release subject to the aforementioned terms and conditions.

Timothy DeFoggi, Defendant

s/James Martin Davis #10927
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2013, I electronically filed the foregoing with the Clerk of District Court using the CM/ECF system, which will send notification of such filing to the following:

Assistant United States Attorney
Mike Norris
1620 Dodge Street,
Omaha, NE 68102

S/JAMES MARTIN DAVIS